

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Monday, July 29, 2011, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Charles R. Amory, Jr.
Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Captain Milton B. Edmunds
Thomas P. Host III
William M. Martin III
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Staff present for the meeting were:

Gordon N. Dixon, Director
Kathleen (Kate) R. Nosbisch, Executive Director

Joshua N. Lief, Senior Assistant Attorney General was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 10:38 a.m.

Call to Order

Captain Callis moved to approve the agenda as amended. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

**Approval of
Agenda**

Captain Callis moved to approve the minutes from the June 13, 2011, board meeting. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone. Captain Cofer and Mr. Martin abstained, as they were not present for the June 13, 2011, meeting

**Approval of
Minutes**

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on July 28, 2011. The following report was made:

**Exam
Administrators
Report**

January N. Collins

Captain Collins has successfully completed the Virginia Pilot Association Apprenticeship Training Program. Captain Collins provided a chart sketch of the sealanes and answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep loaded vessels, tidal sailings and arrivals, under keel

clearance, vessel squat, deep water route, naval nomenclature and chain of command, and safe vessel speed. Captain Collins received a BS degree in Marine Science from Texas A&M University in 2005 and served as a boatswains mate in the United States Coast Guard from 1996 until 2000. Captain Collins possesses a valid Merchant Mariner Credential as an unlimited Federal Inland Master with a first class pilot endorsement issued by the United States Coast Guard. During her tenure as a limited Branch Pilot, Captain Collins has been on 1,952 ships. Captain Collins stood a good examination and was found to be qualified. Captain Callis moved that Captain Collins be raised from a Hotel classification (64,000 gross tons and 46 feet maximum draft) to a full Branch Pilot. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Mr. Cherry presented Captain Collins with her license and congratulated her on the accomplishment.

Benjamin L. Speckhart

Captain Speckhart has successfully completed the Virginia Pilot Association Apprenticeship Training Program. Captain Speckhart provided a chart sketch of the sealanes and answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep loaded vessels, tidal sailings and arrivals, under keel clearance, deep water route, naval nomenclature and chain of command, and safe vessel speed. Captain Speckhart received a BS degree in Physics and Mathematics from Longwood College in 1999 and a Masters Degree in Marine Science from the University of North Carolina at Wilmington in 2004. Captain Speckhart possesses a valid Merchant Mariner Credential as an unlimited Federal Inland Master with a first class pilot endorsement issued by the United States Coast Guard. During his tenure as a limited Branch Pilot, Captain Speckhart has been on 1,955 ships. Captain Speckhart stood a good examination and was found to be qualified. Captain Callis moved that Captain Speckhart be raised from a Hotel classification (64,000 gross tons and 46 feet maximum draft) to a full Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Mr. Cherry presented Captain Speckhart with his license and congratulated him on the accomplishment.

Captain Speckhart and Captain Collins addressed the members of the Board and thanked them for the opportunity and privilege of representing the Commonwealth as a state pilot.

The Board recessed from 10:50 a.m. to 11:00 a.m., giving everyone the

opportunity to congratulate Captain Speckhart and Captain Collins.

William G. Saunders, Jr.

Captain Saunders answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, proper monitoring of VHF radio channels, security broadcasts, small boat traffic, use of auxiliary channels, port security, hazards of marine construction and dredging operations, and safe vessel speed.

Captain Saunders stood a good examination and was found to be qualified. Captain Callis moved that Captain Saunders be raised in grade from a Charlie classification (32,000 gross tons and 32 feet maximum draft) to a Delta classification (38,000 gross tons and 34 feet maximum draft).

Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Joseph M. Schacherer III

Captain Schacherer answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, proper monitoring of VHF radio channels, security broadcasts, small boat traffic, use of auxiliary channels, port security, hazards of marine construction and dredging operations, and safe vessel speed.

Captain Schacherer stood a good examination and was found to be qualified. Captain Callis moved that Captain Schacherer be raised in grade from a Charlie classification (32,000 gross tons and 32 feet maximum draft) to a Delta classification (38,000 gross tons and 34 feet maximum draft).

Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Adam L. Halstead

Captain Halstead answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, characteristics of deep draft vessels, vessel squat, inner harbor transits, restricted maneuvering in narrow channels, traffic management, timed arrivals and safe vessel speed. Captain Halstead stood a good examination and was found to be qualified.

Captain Callis moved that Captain Halstead be raised in grade from an Echo classification (42,000 gross tons and 36 feet maximum draft) to a Foxtrot classification (46,000 gross tons and 40 feet maximum draft).

Mr. Amory seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Charles A. Huffman V

Captain Huffman answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, characteristics of deep draft vessels, vessel squat, inner harbor transits, restricted maneuvering in narrow channels, traffic management, timed arrivals and safe vessel speed. Captain Huffman stood a good examination and was found to be qualified. Captain Callis moved that Captain Huffman be raised in grade from an Echo classification (42,000 gross tons and 36 feet maximum draft) to a Foxtrot classification (46,000 gross tons and 40 feet maximum draft).

Mr. Amory seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Mr. Cherry introduced Joshua N. Lief, Senior Assistant Attorney General. Mr. Lief gave a brief summary of his background and also informed the Board of his duties with the Attorney General's office.

**Introduction of
Joshua N. Lief,
Senior Assistant
Attorney General**

Mr. Lief informed the Board that historically a Section Chief from the Attorney General's office provided counsel to the Board for Branch Pilots, that there may be a reorganization of the board assignments, and that as Section Chief he would welcome the opportunity to provide counsel to the Board. Mr. Lief stated that he wanted to present this option to the Board for consideration.

Board members welcomed Mr. Lief and expressed their interest in having board counsel insure that the appeal process for the Walter Hugh McCrory, Jr. case receives appropriate attention from the Attorney General's office. Discussion was held on the ability to file an *amicus curiae* brief in the matter of Mr. McCrory. Mr. Lief stated that he will research the issue and present his findings at the November board meeting.

The Board reviewed a letter from Captain Chisman regarding an incident on July 18, 2011, involving the M/T OVERSEAS LUXMAR.

**Captain J.
Whiting Chisman
III – M/T
OVERSEAS
LUXMAR**

On Monday, July 18, 2011, at 0930 Captain Chisman boarded the M/T Overseas Luxmar at Cape Henry bound for the U.S. Coast Guard dock on the

York River. Their draft was 35'6". After arriving on board, Captain Chisman met with the ship's captain and conducted a Master Pilot exchange. The ship's captain made Captain Chisman aware of the maneuvering characteristics of his vessel and they also discussed their transit to the pier. Captain Chisman made the ship's captain aware that he could not confirm the depth of water at the pier. Captain Chisman told him that, prior to arriving on board, the Pilot Association's Vice President, Captain Counselman, had received information from the Coast Guard dock that the depth at the pier was between 36'2" and 44'3" which was the best information they had. The captain advised that he had spoken with pier personnel at the Coast Guard pier and they had told him that the depth at the pier was 37'. They continued on to the pier.

The docking master, Captain David Perry, arrived on board around 1245 just west of Tue Marsh light. The ship's captain and the docking master conferred regarding the maneuver while Captain Chisman still had the conn. The captain relieved Captain Chisman, and Captain Perry took the conn at around 1255. The docking master made the tug Cape Hatteras fast on the starboard bow and the tug Town Point fast on the starboard quarter. Captain Perry made a normal approach to the pier to dock port side alongside.

The vessel was close to the pier at approximately 1325. High tide at Gloucester Point was at 1215 at a height of 2.6 feet. As the ship approached the pier, the stern went alongside the pier however the bow remained about 8 feet off the pier. While the tugs were holding them alongside, the captain ordered the lines ashore and they completely tied the ship up, but the bow remained about 8 feet off the pier. As they were tying up, the captain noticed that the ship had a starboard list of between 0.5 and 1 degree. The captain had his crew sound with lead lines around the bow and found that the depth was 32'.

Because the bow would not go to the pier and the starboard list and falling tide, the captain did not want to stay at the berth. The captain notified the Coast Guard of their situation and they were cleared by the Coast Guard to leave the pier. They let their lines go and undocked the ship at approximately 1425. With the tug Cape Hatteras backing full, the bow moved slowly away from the pier. Once the bow was about 25 feet from the pier, the ship no longer listed and the bow moved more easily. Captain Perry was relieved at approximately 1445 when Captain Chisman again took the conn. They then proceeded to the York River anchorage and were safely anchored at approximately 1535. Captain Chisman departed the ship at 1550.

After review and discussion, Mr. Martin moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Mr. Host seconded the motion which was

unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Mr. Charles Amory recused himself from the meeting, as Captain Lorenzo Amory III and Mr. Charles Amory are brothers.

Recusal of Mr. Amory

At its April 28, 2011, board meeting, the Board reviewed a letter from Captain Amory regarding an incident on April 18, 2011, involving the M/V PETALON. The Board requested Captain Amory provide the following additional information: the speed over ground; speed in water; how the ship layed aground at both ends; real time tidal and current data; and other ship traffic proximity. Board members reviewed the requested information provided by Captain Amory. Mr. Martin moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Captain L.D. Amory III – M/V PETALON

Mr. Amory returned to the meeting.

Return of Mr. Amory

Mr. Martin moved to adopt the following meeting and examination dates for 2012:

Consideration of 2012 Meeting Dates

February 1, 2012, Examination Administrators Meeting;
February 2, 2012, Branch Pilots Board Meeting;
April 30, 2012, Examination Administrators Meeting and Branch Pilots Board Meeting;
July 31, 2012, Examination Administrators Meeting;
August 1, 2012, Branch Pilots Board Meeting;
October 31, 2012, Examination Administrators Meeting and Branch Pilots Board Meeting;
December 4 & 5, 2012, Renewals; and
December 11, 2012, Branch Pilots Board Meeting.

Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Mr. Host inquired as to why the Board meets five times a year. Mr. Cherry indicated it was to coordinate with exam cycles and annual renewal of licenses, and additional meetings were held when necessary.

Ms. Nosbisch informed the Board that the public comment period for the proposed regulations ended April 15, 2011, and no public comments were received. The proposed regulations were before them for final adoption. If approved by the Board, a regulatory package will be submitted to Town Hall

Regulatory Review Update

and Executive Branch review will begin.

Mr. Stone moved to approve the proposed regulations. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Mr. Martin departed the meeting at 11:30 a.m.

Departure of Mr. Martin

Captain Cofer advised the Board that new board members have been appointed to the Port Authority Board.

Other Business

Captain Callis reported a pilot had to recently take a ship to anchor due to a security badge issue with the docking master. Pilots have to meet additional requirements when docking ships. The cost of doing business is continually rising. Naval base passes are \$160 and passes are not transferable from one base to another. Pilots are required to carry TWIC (Transportation Worker Identification Credential) cards, in addition to several other security badges.

Mr. Dixon reported that Captain Cofer had been appointed to the Old Dominion University's Board of Visitors. Mr. Dixon and fellow board members congratulated Captain Cofer on this honor.

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 11:51 a.m.

Adjourn

Bruce R. Cherry, President

Gordon N. Dixon, Secretary